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Minutes of the Regular Meeting
of the
San Luis Obispo County Planning Commission
Wednesday, October 26, 2005

Minutes of the Regular Session of the County Planning Commission held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, CA, at 8:45 a.m.

PRESENT: Commissioners Bruce Gibson, Penny Rappa, Eugene Mehlschau, and Chairman Roos.

ABSENT: Commissioner Sarah Christie

STAFF

PRESENT: Warren Hoag, Principle Planner/Current Planning
John Euphrat, Principal Planner/Long Range Planning
Andrea Miller, Planner, Graphics/Long Range
Martha Neder, Planner, Cambria & Heritage Ranch
John Euphrat, Principal Planner/Long Range Planning
John Nall, Principal Environmental Specialist
Ryan Hostetter, Planner, Current Planning/Coastal
John Hofschroer, Planner, Long Range Planning
Karen Nall, Planner, Public Information
Chuck Stevenson, Supervising Planner/Current Planning/Inland
John McKenzie, Environmental Specialist

OTHERS

PRESENT: Tim McNulty, County Counsel
Jim Orton, County Counsel

Chairman Roos calls the meeting to order.

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Adjourned Meeting of October 26, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

Speaker	Note
PUBLIC COMMENT	No one coming forward
Warren Hoag, staff	States this is a special meeting day due to allowing travel time for the Planning Commissioners to attend the APA conference. Cites local newspaper as having erroneously given Thursday as being a Planning Commission meeting day. States Supervisor Patterson has scheduled a Board of Supervisors (BOS) hearing on November 1, 2005 to consider an interim ordinance for the western half of District 5 that would put a moratorium on processing new applications for TDC receiver sites. States the board will also consider staff to notice another hearing for November 22, 2005 to further discuss ordinance moratorium. Discusses current PC secretary's resignation, Lona Franklin, as of November 3, 2005.
Chairman Roos	States that Ms. Franklin will be dearly missed and performed a fine job.
Commissioner Mehlschau	States Ms. Franklin will be missed, as she was a very conscientious secretary.

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John Euphrat, staff	Reminds commission and public regarding the housing element, meeting tonight at Creekside Bldg in San Luis Obispo.
Chairman Roos	States there is a 2050 conference in Templeton regarding designating additional residential land in more rural areas. County, Counsel of Gov, the APCD.
Commissioner Gibson	Gives compliments to Planning staff for the meetings they are providing to the communities.
John Nall, staff	Announced there will be a Rural Plan Development Plan ordinance workshop on 11/03/05 at 6:30 p.m. at the Library. Looking for input from interested members of the public.
Commission Gibson	Requests to have Item C pulled for separate consideration, as he was not seated on Planning Commission July 28. Request clarification from Terry Wahler regarding Consent items d, e, and f.
Terry Wahler, staff	Clarifies the reasoning for the return of the three Agricultural Notices to complete the Planning Commissions actions and have them considered formally and meet the requirements of the Brown Act.
Commissioner Gibson	Requests clarification on any previous actions made by the Planning Commission regarding this item at the October 13, 2005 Planning Commission meeting.
Jim Orton, County Counsel	Discusses the Planning Commission's action as being "de novo". States the Planning Commission is making a recommendation that will go to the Board of Supervisors on November 15, 2005.
CONSENT AGENDA	<ul style="list-style-type: none"> a. August 25, 2005 Planning Commission meeting minutes. b. September 8, 2005 Planning Commission meeting minutes. c. July 28, 2005 Planning Commission minutes. d. AGP2004-00021. Proposal by Joseph & Jamie Kies to alter the boundaries of an agricultural preserve, rescind an existing contract and simultaneously enter into a new contract to reflect lot line adjustment SUB2004-00321. The project site is approximately 1125 acres within the Agricultural land use category and is located at the intersection of Ranchita Canyon Road and Von Dollen Road approximately 6 miles north of the City of Paso Robles. The site is in the El Pomar-Estrella planning area. ASSESSOR PARCEL NUMBERS 019-051-011, 019-282-001, 019-282-002, SUPERVISORIAL DISTRICT 1 e. AGP2004-00027. Proposal by Carrasco Properties LP to alter and expand the boundaries of an agricultural preserve, establish a Farmland Security Zone to allow the applicant to enter into a Farmland Security Zone contract. The project site consists of 160 acres within the Agricultural land use category and is located at the southwestern corner of Highway 46 and Geneseo Road approximately 3.0 miles east of Paso Robles. The site is located in the El Pomar Estrella planning area. ASSESSOR PARCEL NUMBER 015-041-013. SUPERVISORIAL DISTRICT 1

	<p>f. AGP2004-00028. Proposal by Fetzer Vineyard to establish an agricultural preserve to enable the applicant to enter into a land conservation contract. The project site is approximately 632.4 acres within the Agricultural land use category and is located at 8379 Union Rd approximately 7 miles from the City of Paso Robles. The site is in the El Pomar-Estrella planning area. ASSESSOR PARCEL NUMBERS 015-041-078, 016-061-004. SUPERVISORIAL DISTRICT 1</p>
MOTION	Fully discussed and thereafter, on motion of Commissioner Rappa, seconded by Mr. Mehlschau, and carried, in the absence of Commissioner Christie, Consent Agenda items A, B, D and F, approved as presented.
Item C	July 28, 2005 Planning Commission minutes
Chairman Roos	Discusses change to Item c in reference to correcting "Vice Chairman Roos" to "Chairman Roos".
Motion	Matter discussed, and thereafter, on motion of Commissioner Rappa and seconded by Commissioner Mehlschau, and carried, in the absence of Commissioner Christie and with Commissioner Gibson abstaining, Consent Agenda Item C, Minutes from July 28, 2005 Planning Commission hearing, approved with the change of "Vice Chairman Roos" to read "Chairman Roos".
	<p>e. AGP2004-00027. Proposal by Carrasco Properties LP to alter and expand the boundaries of an agricultural preserve, establish a Farmland Security Zone to allow the applicant to enter into a Farmland Security Zone contract. The project site consists of 160 acres within the Agricultural land use category and is located at the southwestern corner of Highway 46 and Geneseo Road approximately 3.0 miles east of Paso Robles. The site is located in the El Pomar Estrella planning area. ASSESSOR PARCEL NUMBER 015-041-013. SUPERVISORIAL DISTRICT 1</p>
Terry Wahler, staff	Clarifies a previous discussion with County Counsel regarding the Williamson Act statue stating there is nothing that would prevent a person from putting a portion of their property under contract. States this is not a common practice, however, there is nothing in the rules of procedure that would prevent them from doing this. States the purpose for the applicant is for the future construction of a winery.
Commissioner Gibson	States this would not be precluded if the entire property were to be brought under contract.
Jim Orton, County Counsel	Discusses Laird Bill as having provisions in it that prohibit the establishment of a commercial building on agriculturally preserved land that is not devoted to an agricultural purpose. Discusses a concern with a tasting room associated with a winery and elimination of that argument by putting portions of the property in preserve.
Chairman Roos	Refers to on screen map, and discusses the rural nature of the property.
	Discusses subdivision reviewed as part of the El Pomar / Estrella area plan

Warren Hoag, staff	update as being recognized with the Residential Suburban category.
Commissioner Gibson	Discusses the exclusion of 20 acres from the Farmland Security Zone, Williamson Act program and states he cannot support this proposal.
Motion	Thereafter, on motion of Commissioner Gibson, to deny Item E dies to a lack of a second.
Chairman Roos	Questions if there is anybody who would like to come forward with public comment, with no response.
Commissioner Rappa	Would like clarification on the Farmland Security Zone.
Terry Wahler, staff	Gives clarification. Discusses applicant's intentions for the portion of property referred to in Item E.
Commissioners	Discuss Farmland Security Zone program.
Jim Orton, County Counsel	Discusses Laird Bill, it's date of effect, and to what extent it applies to Item E.
Motion	Matter fully discussed and thereafter, on motion of Commissioner Mehlschau, seconded by Commissioner Rappa, and carried, and in the absence of Commissioner Christie and with Commissioner Gibson voting no, Consent Agenda item E is approved as presented.
	Discussion ensues regarding rules changes, agriculture preserve review committee, and authorization from Board of Supervisors for processing of amendments after the first of the year.
	Continued hearing to consider a request by the COUNTY OF SAN LUIS OBISPO TO 1) update and amend the Cambria and San Simeon Acres community plan portions of the NORTH COAST AREA PLAN (Part II of the Land Use Element and Local Coastal Plan, and part of the Circulation Element). The area plan is being updated to reflect current land use, transportation, population, environmental, and economic conditions and community desires within the communities of Cambria and San Simeon Acres. The communities of Cambria and San Simeon Acres are located within the North Coast Planning Area of San Luis Obispo County. This planning area is bounded by the Monterey/San Luis Obispo County Line to the north, Point Estero to the south, and to the east the Coastal Zone boundary below the main ridge or the Santa Lucia Range. The update includes a number of changes to goals, policies, programs, land use categories, combining designations, and planning area standards; 2) amend the Cambria Design Plan by a) revising and moving development standards to the area plan; and b) modifying various guidelines including those related to lighting and the Moonstone Beach Drive streetscape; and 3) amend the Coastal Zone Land Use Ordinance , Title 23 of the San Luis Obispo County Code; Sections 23.05.050 and 23.06.100 regarding water quality and drainage; Section 23.05.062 regarding tree removal; Section 23.07.170 regarding development within or adjacent to environmentally sensitive habitats; and Section 23.07.172 regarding mineral extraction in wetlands. County File No. LRP2004-00024. Supervisorial District 2.
Martha Neder, staff	Discusses draft E.I.R., and comments on the additional changes and replacement pages.
Chairman Roos	Discusses Growth Management Ordinance.

Commissioner Gibson	Confirms with Ms. Neder that his packet is a complete copy of Chapters 1 through 8.
Commissioners and staff	Discuss language, which was tentatively approved regarding Chapter 7, Page 7-16, 2. Growth Management and Allocation of Residential Permits
Tim McNulty, County Counsel	Discusses language on Pg. 7-16, regarding Growth Management Ordinance and clarifies the intent of the word "allocations" used by the county, percentage of allocations discussed, future language revisions before certification by the California Coastal Commission.
Commissioner Rappa, Tim McNulty, County Counsel	Discusses amendment to the Growth Management Ordinance with County Counsel responding
Commissioner Gibson	Discusses memorandum from staff regarding Growth Management Ordinance.
Chairman Roos, Commissioners, and staff	Discuss clarification of language regarding percentages on Pg. 7-16, No. 1. B. "Affordable Housing" program, and A. "Visitor Serving Uses" with staff responding.
Commissioner Roos	Requests staff respond with determination of final E.I.R. and changes in formatting of such.
John Nall, staff	States Board of Supervisors should review the same E.I.R. that Planning Commission have reviewed and there are no plans in any changes being made to such before being presented to the Board of Supervisors for review.
Commissioners, staff, and County Counsel	Discuss final E.I.R. and the Planning Commissioners role today regarding changes and interpretations to the findings prepared as part of the final certifications to the E.I.R. The role of the Planning Commissioner discussed with Tim McNulty clarifying the Planning Commissioners role is to recommend the certification of the E.I.R. to the Board of Supervisors.
Commissioners and, staff	Discusses clarification in E.I.R. regarding changes to "Reduced Development Alternatives", requirements for re-defining project which staff has made, Pg. 2-10 "Theoretical Buildout" discussed.
PUBLIC COMMENT	
Joan Cobin	Spokesperson for Advisory Group. Recommends the decreased in population to 4650. Discusses the affordable housing units, 5% water allocation to be allowed to build up to 200 affordable housing units, and how importance of the desalination plant.
Bob Gersens	President of CCSD. States districts position, requests clarification of how much build out would occur, and states appreciation of efforts on behalf of staff and Planning Commissioners to listen to CCSD's concerns.
Commissioner Rappa	Would like input from CCSD president on how they would like to see the affordable housing planned with percents or total units, with Mr. Gersens responding.
Commissioner Gibson	Discusses limits on build out.
Bill Allen	Cambria resident. States he was previously chairman of the North Coast Advisory Counsel. Discusses growth cap of 4650 units. Recommends Planning Commissioners approve the decreased development and cap.
Wayne Ryburn	Resident of Cambria representing the North Coast Alliance. Discusses letter

	he prepared regarding inefficiencies in the E.I.R.
Bill Warren	Resident of Cambria. Discusses North Coast Advisory Counsel and CCSD. Discusses the votes of Advisory Counsel regarding limitations of growth. Discusses limited desalination program.
Richard Hawley	Resident of Cambria. Supports 4,650-population cap. Discusses interpretations of growth, E.I.R. as being confusing due to not having the most current drafts, and would like the E.I.R. re-circulated for an additional month to review the changes.
Break	
Martha Neder, staff	Addresses Mr. Hawley's comments regarding the circulation of the draft and final E.I.R. Clarifies the availability of the final and draft E.I.R. and the locations where they can be obtained. Addresses comments regarding the Decreased Development Alternative.
Chairman Roos, and Commissioners	Refers to Chapter. 2, Page 2-10, 2. A., and discusses incorporation of CCSD's buildout reductions plan at the 4,650 cap.
Martha Neder, staff	Refers to Page 7-16 and discusses standards of requirement regarding affordable housing
Commissioner Gibson	Requests clarification on how much water will go to the affordable housing program with staff responding. Discusses language and states we need to set aside or revise the language to 25% or one quarter of the 20% of water allocation. Discussion of additional language.
Commissioner Rappa	Requests definition of a qualified affordable housing program through standards adopted with staff responding. Initiate proposed amendment at annual review in December.
Chairman Roos, Commissioners, and staff	Discusses Growth Management Ordinance letter, and when this will be coming forward to the Board of Supervisors. Consensus on letter is reached.
John Euphrat, staff	Discusses the annual resource management discussion and the proposals will be brought forth in a May Board of Supervisors meeting. Allocations will be added between the present and the month of May.
Martha Neder, staff	Clarifies that Planning Commissioners may use the same packet at the next Planning Commission hearing to make their determination.
Commissioner Gibson	Refers to Chapter 5 of D.E.I.R. Pg. 5-1 and discusses decreased development plan alternative as language for revised project descriptions. Refers to language regarding increased and decreased development plan alternatives and discusses conclusions he disagrees with regarding Project Alternatives such as the No Growth Alternative on Page 5-2. Would like the E.I.R. to acknowledge the difference of impacts.
John Euphrat, staff	States staff concurs with Commissioner Gibson's comments to make the change regarding the alternative and have it ready for the next meeting.
Tim McNulty, County Counsel	Discuss the decreased development alternative is seen by Planning Commissioners as the environmentally superior alternative and would recommend that to the Board of Supervisors.
Martha Neder, staff	Addresses Planning Commissioners future conclusions regarding identification of an environmentally superior alternative and refers Planning Commissioners to different impact areas of development plan. The

	commission needs to convey in the transmittal to the Board of Supervisors what changes need to be made in the E.I.R. and support the changes with evidence.
Motion	On motion of Commissioner Rappa, seconded by Commissioner Gibson, and carried, in the absence Commissioner Christie, this item is continued to November 10, 2005.
	<p>2. Hearing to consider a proposal by J. LOHR WINERY for a Conditional Use Permit to allow for an approximately 107,500-square foot expansion of an existing winery and tasting room facility. The proposed expansion would be conducted in five phases. Phase 1- a fermentation building (18,000 square feet in size) with an attached administration building (4,000 square feet). Phase 2 - a blending building (7,500 square feet). Phase 3 - a fermentation building (24,000 square feet). Phases 4 and 5 - barrel storage buildings (27,000 square feet each). Existing facilities include two barrel storage buildings (21,000 square feet each), one fermentation building (18,000 square feet in size), one tasting room (4,841 square feet in size), one wastewater storage tank and two treatment ponds, 42 parking spaces, signage and landscaping. The proposed project is within the Agriculture land use category and is located at 6169 Airport Road, approximately 0.3 mile south of Wellsona Road, northeast of the City of Paso Robles, in the Salinas River Planning Area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item pursuant to CEQA, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address aesthetics, air quality, biological resources, geology and soils, wastewater and water. County File No. D030099D. Assessor Parcel Number: 026-183-048. Supervisorial District #1. Date accepted</p>
Karen Nall, staff	Presents staff report and shows overhead of the project. Presents modifications to mitigations and conditions.
Chairman Roos	Requests clarifications on Phase 1 setback requirements with staff responding to reference Pg. 2-5 of staff report to modify the 200' setback to 100' foot setback. Discusses and requests clarification on impacts of increased production, letter from RWQCB, and increased wastewater condition.
Karen Nall, staff	Discusses winery ordinance amendment, clarification on setbacks in Phase 1, findings on allowances for setback modifications, and Lohr winery production facilities
PUBLIC COMMENT	
Steve Lohr	V.P. of J. Lohr Winery. Discusses vineyard sites, clarifies amount of traffic increase regarding increased production. States there is no case storage on site, and gives expansion alternatives off site for winery. Discusses phases of building process, appearances of buildings, landscape screening,
Bob Chroback	Wastewater engineer for J. Lohr. Discusses modification of existing system to accommodate increased production.
Commissioner Gibson	Requests clarification on any visual analysis, especially regarding landscaping, having been conducted with staff and applicant responding. Would like conditions to reflect screening.

Commissioner Rappa	Requests clarification from applicant on an update of traffic mitigation.
Dan Chatum, Desalior Inc.	Clarifies traffic mitigations on Airport Rd. and Hwy. 46. States keeping on site processing would have less of a traffic impact.
Mike Goodwin, Public Works	Clarifies difference between on site processing traffic and off site traffic.
Steve Lohr, applicant	Clarifies harvesting times, and processing of grapes as referenced to shipments of wine to be processed either on site or off site. Discusses production size as to capacity of on site processing vs. off site processing.
Chairman Roos	Refers to Public Works as to allotted differences to traffic.
Jim Orton, County Counsel	Suggests language change for Condition 6 regarding lot line adjustment for parcel to the north.
Commissioners	Discusses Condition 6, regarding minimum lot line adjustment. States he is satisfied with County Counsel's suggested language for condition 6. Discussion ensues regarding water issues with a new condition 11 added. Discussion regarding a new condition 3 stating bottling will not occur because of the traffic impact. Changes to Condition 19 and 19 a, b, c and d. Changes to 20, 21, 22 and 31 adding language staff recommended.
Steve Lohr, applicant	States he would like to have the opportunity in the future to have a bottling facility and would do traffic study.
Warren Hoag, staff	Discusses conversation with CC to make time period of vesting and reads the changes to Condition 1 & 16 into the record.
Steve Lohr, applicant	Discusses time extension requests for each separate phase of development with staff responding.
Motion	Fully discussed and thereafter, on motion of Commissioner Rappa, seconded by Commissioner Gibson and carried, in the absence of Commissioner Christie, to adopted the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq, RESOLUTION 2005-055 granting a Conditional Use Permit D030099D to J. LOHR WINERY, based on findings in Exhibit A and the condition in Exhibit B, with changes to <u>Condition 1</u> to read: "<i>This approval authorizes the construction of a five-phased expansion of the existing winery. The following provides a breakdown of the proposed phases: Phase 1, to be vested by 11/10/07 in accordance with Condition 16 unless time extensions are granted per Land Use Ordinance section 22.64.070 - Fermentation Building F-3 (18,000 square feet) with an attached Administration Building (4,000 square feet) Phase 2, to be vested by 11/10/08 in accordance with Condition 16. - Blending Building S-2 (7,500 square feet). Phase 3, to be vested by 11/10/09 in accordance with Condition 16. - Fermentation Building F-4 (24,000 square feet. Phase 4, to be vested by 11/10/12 in accordance with Condition 16. - Barrel Storage B-3 requires (27,000 square feet). Phase 5, to be vested by 11/10/13 in accordance with Condition 16. - Barrel Storage B-4 requires (27,000 square feet)"; <u>Condition 3</u> amended to read:" This particular project does not include bottling and case good storage. If in the future the applicant</i>

proposes bottling, it would require Minor Use Permit approval to address traffic, and waste water impacts”; Condition 12 added to read: “Prior to issuance of construction permits, the applicant shall submit a copy of a water conservation plan approved by the Regional Water Quality Control Board. The measures shall be implemented”; Condition 19 amended to read: “Kit Fox - Biological Resources include conditions prior to issuance and ongoing conditions:

a. Phasing Plan

Phase 1-Fermentation Building F-3& Admin Building requires 0.11 acres of mitigation (\$275). Phase 3-Fermentation Building F-4 requires 1 acre of mitigation (\$2,500). Phase 4-Barrel Storage B-3 requires 1 acre of mitigation (\$2,500). Phase 5-Barrel Storage B-4 requires 1 acre of mitigation (\$2,500). NOTE : Phase 2-Blending Building S-2 does not require kit fox mitigation. Prior to issuance of a grading permit for the phases noted above, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented”; Condition 19a in line 2 change 3 acres to 3.11 acres; Condition 19b 4th line from the bottom, change the fee amount to read \$7,775. Condition 19c in line 1 change 3 credits to read 3.11 credits; Condition 20 amended to read: “Prior to issuance of construction permit for all phases, the applicant shall retain a qualified biologist acceptable to the U.S. Fish and Wildlife Service, California Department of Fish and Game and the San Luis Obispo County Department of Planning and Building/Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities”; Condition 21 amended to read: “Prior to issuance of construction permit for all phases, roads on the subject property shall be posted with a 25 mile per hour (mph) speed limit or lower to reduce the likelihood of road mortality of the San Joaquin kit fox. The retained biologist shall discuss compliance in the initial pre-construction survey letter”; Condition 22 amended to read: “Prior to construction of all phases, all personnel associated with the project shall attend a worker education program conducted by the retained biologist regarding the San Joaquin kit fox. Specifics of this program should include San Joaquin kit fox life histories and careful review of the mitigation measures implemented to reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting”; Condition 31 amended to read: “Prior to issuance of construction permit for all phases, the applicant shall install bright construction fencing at the perimeter of approved grading limits. The use and storage of equipment and materials is not permitted outside of areas approved for disturbance” and re-numbered, adopted.

	Recess for lunch and the Commission reconvenes at 1:30 p.m.
#3	3. Hearing to consider a request by GARY AND KATHLEEN TUCKER for a Conditional Use Permit to allow a Residential Care Facility of approximately 28 residents including: the construction of two approximately 6,000 square foot buildings, each with its own kitchen and laundry facilities, a 17 space parking lot (includes 4 handicapped spaces), a motorcourt, removal of approximately 1.5 acres of vineyards, and construction of two approximately 100 foot long six foot high soundwalls around the outdoor yard areas, in between the buildings and Highway 101. The project will result in the disturbance of approximately 70,000 square feet of a 9 acre parcel. The proposed project is within the Agriculture land use category and is located between Monterey Road and Highway 101, approximately 0.3 miles south of the intersection of Exline Road and Highway 101, between Paso Robles and San Miguel. The site is in the Salinas River planning area. This project was continued off calendar on November 30, 2004. County File Number: DRC2004-00003. APN: 026-141-008. Supervisorial District No. 1. Date Accepted: August 31, 2004.
Ryan Hostetter, staff	Presents staff report. Indicates revisions made to conditions. Clarifies visual analysis using the overhead viewer.
Chairman Roos	Requests clarification on Pg. 328 and questions environmental determination check marks with staff responding that this was a typo.
Commissioner Mehlschau	Requests mitigation on traffic impacts with staff responding referring to Pg. 3-33 & 34.
Mike Goodwin, Public Works	States there is no fee area for that location.
Chairman Roos	Discusses Pg. 3-33 No. 12 d).
Commissioner Gibson	Requests clarification regarding changes that have been made from the original staff report presented to that of the staff report being presented at this meeting, with staff responding.
Ryan Hostetter, staff	Clarifies mitigation from the visual analysis.
Commissioner Rappa	Requests direction on information regarding condition that references an agricultural easement with Commission Gibson referring to Pg. 3-8, Condition 10.
Jim Orton, County Counsel	Discusses language addition in Condition 10.
Kathy Tucker, applicant	Uses a 'Power Point' presentation to aid in her proposal presentation. States she is willing to develop an agricultural easement should the Planning Commission deem it necessary. Addresses traffic study mitigation.
PUBLIC COMMENT	
Lorene Rosen	Expresses her support of the project. Is currently employed at a local skilled nursing facility.
Robert Tullock	Neighbor in favor of the project. Retired Cal Poly professor. Provides brief history of surrounding property.
Chairman Roos	Clarifies discussion regarding a "Residential Care Facility".

Commissioner Gibson	Expresses his concern that he feels this location is not sufficient for the type of facility being proposed in this location. Discusses mitigation proposals, agricultural vs. non-agricultural uses, fears profitability of the center would be diminishing the agricultural use of the property. States he will not support this proposal.
Commissioner Mehlschau	States his approval of the location of proposed project.
Commissioner Rappa	Discusses her familiarity of these types of facilities in regards to transportation, and expresses her concerns with agricultural easements.
Jim Orton, County Counsel and Commissioner Gibson	Discuss agricultural easement; requirement standards, subsequent permit actions, provisions under which easements are established, compliance requirements, discretionary agricultural easement of existing proposal.
Motion	Matter is discussed and thereafter on motion of Commissioner Gibson to deny project dies due to a lack of a second.
Motion	Matter is fully discussed, and thereafter on motion of Commissioner Mehlschau, seconded by Commissioner Rappa, and carried, in the absence of Commissioner Christie, and with Commissioner Gibson voting no, to adopted the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and the CA Code of Regulations Section 15000 et seq., RESOLUTION 2005-056 granting a Conditional Use Permit DRC004-00003 to Gary and Kathleen Tucker, based on findings in Exhibit A and conditions in Exhibit B, with <u>Condition 1b</u> amended to read: “maximum height of buildings is 19 feet from average natural grade. The maximum height of sound walls is 6 feet”; <u>Condition 10</u> amended to read: “Prior to issuance of a construction permit, the applicant shall establish an agricultural easement in a form approved by County Counsel for the portion of the site supporting vineyard operations. The easement shall prohibit future development of non-agricultural structures and limit any agricultural structures to a total of 600 square feet”, adopted.
#4	Hearing to consider a request by SHAWN RUSS for a Vesting Tentative Tract Map to subdivide an existing 1.48 acre parcel into two parcels of 42,104 square feet, and 22,246 square feet each for the purpose of sale and/or development. The proposed project is within the Residential Single Family land use category. The project is located on the north side of Goldcrest Drive (990 Goldcrest Drive), approximately 100 feet north of Hazel Lane in the community of Nipomo. The site is in the South County (Inland) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq. Mitigation measures are proposed to address Public Services and Utilities, Recreation and Water. County File No: SUB2003-00165 / TR 2617. APN: 092,123,056. Supervisorial District 4. Date Accepted: April 20, 2005.
Stephanie Fuhs, staff	Presents staff report and shows overhead of the project.
Commissioner Mehlschau	Requests clarification on Pg. 4-8 regarding hook up requirements to sewer.
Warren Hoag, staff	States if they are within the boundaries of the Community Service District the

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	districts can make them hook up.
Chairman Roos and Warren Hoag, staff	Requests clarification on Page 4-5, Condition 2 and suggest adding approximately in the second line before 42,104. Discusses land use ordinance 22.12.080-H1A2. Discusses soils reports and completion of the report, with staff responding.
Commissioner Gibson	Is in agreement with Chairman Roos that the above Land Use ordinance should be part of the requirements.
Terry Orton, Westland Engineering	Give clarification on giving up access to Lisa Lane. Discusses any preclusion on building on lot line.
Commissioner Rappa and Terry Orton	Discuss imposition policy regarding double access on lots.
Chairman Roos	Discusses inclusion of additional map sheet being brought back, with County Counsel responding.
Warren Hoag, staff	Suggests a condition be added requiring a submission of a conceptual plan.
Commissioner Rappa	Expresses her concern for the purpose of the extra condition with staff responding that this is an area plan standard and should have originally be included.
Warren Hoag, staff	Gives clarification of why we should have a conceptual plan.
Motion	Matter is fully discussed, and thereafter, on motion of Commissioner Mehlschau, seconded Commissioner Gibson, and carried in the absence of Commissioner Christie, to adopted the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq, and RESOLUTION 2005-057 granting a Vesting Tentative Tract Map 2617 to Shawn Russ, based on the findings in Exhibit A and conditions in Exhibit B, with Condition 1 amended to read: "A Vesting Tentative Tract Map to subdivide an existing 1.48 acre parcel into two parcels of approximately 42,104 and 22,246 square feet each for the purpose of sale and/or development", and addition of conceptual plan, adopted.
#5	Hearing to consider a request by KEN CRAIG AND LUCIA MAR UNIFIED SCHOOL DISTRICT to amend Section 22.112.040 of the County Land Use Ordinance, Title 22 of the County Code, and the County Land Use Element (South County-Inland Area Plan) for a land use category change of a forty (40) acre area in the Residential Rural (RR) land use category to: 20.41 acres of Recreation (to accommodate up to sixteen (16) residential lots); and 19.59 acres of Public Facilities (for use by Lucia Mar Unified School District for a future Middle School [800 student]) or Recreation (for passive recreational use). The site is located the northwest corner of Willow Road and Via Concha Road, immediately west of Black Lake Village, west of the community of Nipomo. The site is in the South County (Inland) planning area. County File No: G990025M Assessor Parcel Numbers: 091-181-031 & -032. Supervisorial District: 4. Date Accepted: March 23, 2000.
John McKenzie, staff	Presents staff report.
Linda Auchinachie, Agriculture Department	Discusses project's history, restrictive uses of pesticide to aerial application only, Williamson Contract, and restrictive materials limitations. States there are incompatibilities with having a proposal of a school being built here.

Chairman Roos	Requests clarification regarding avocado orchard with Ms. Auchinachie responding.
Commissioner Mehlschau	Requests clarification on map where the avocado orchards are located. Discusses use of pesticides, and mitigations thereof.
Commissioner Rappa	Questions if this restriction only applies to public facilities with Ms. Auchinachie responding that this restriction only applies to school sites.
Commissioner Gibson	Discusses annexation of residential portion of GPA and questions why it was not conditioned for the school site, with staff responding. Requests information on location of other sites designated for school sites proposed.
John McKenzie, staff	States the county has no authority over school sites.
Chairman Roos	Requests clarification on Pg. 5-12, F. of "Recreation/Public" space uses.
Kami Griffin, staff	Clarifies "Recreation" uses.
Carol Florence, Oasis Assoc.	Representing Craig/Lucia Mar School District. Discusses modifications to project, provides a brief history of project, and requests Planning Commission send a recommendation to the Board of Supervisors to approve the plan. Clarifies reasoning for changes to land use category. Clarifies the district's parcel as being a public lot. Addresses concerns regarding district's limitations. Discusses handout presented to the Commission, requirements of the 16 lot subdivision, and revisions to traffic and circulation conditions. Addresses Santa Maria water litigation. Believes standard contradicts protocol in the stipulation. Discusses limitations on Page 5-12 F. Item 1. a. (1) and (2) and clarifies this site was a gift from the Craig family.
Kevin Baker, Lucia Mar School District	Discusses future of site, surplus properties, and has no knowledge of additional school site properties, states the district has owned this property approximately two years.
L.J. Hansen	Cites concerns regarding water mitigations and traffic mitigations. Is not in support of project.
Jim Buttery	Representing Craig Family and interests for the Lucia Mar School District. Addresses mitigation standards he feels are being projected in the future. States staff report ignores the resolution from the Santa Maria water litigation.
Donna Mehlschau	Discusses serving on the advisory committee for the Lucia Mar School District, purchase by Mr. Craig of this parcel, offer of donation of land, neighborhood opposition, and traveling routes past the site to attend a middle school.
Commissioner Rappa	Discusses the existing middle school location with Ms. Mehlschau responding.
Mr. Ebby	States he is not prepared to discuss this project. States this project has not come up before the NCSD within the last 3 years.
Carol Florence, Oasis & Assoc.	Requests clarification regarding making a statement of overriding considerations, and whether it is necessary to do so.
Commissioner Mehlschau	Requests clarification regarding if they decide to put a school there would the avocado growers go out of business due to new pesticide regulations.
Tim McNulty, County Counsel	States there are considerations to override and change the land use element.

Commissioner Gibson	Cites page 5-3, "Authority" regarding the land use element. Discusses the district's lack of immediate need for a school site, reasoning why district could hold the land in its current land use designation, sees no compelling reason to change the land use category.
Chairman Roos	States his opposition to changing the land use category and agrees with the Agricultural Departments testimony regarding nearby avocado orchard. States concerns for water uses.
Commissioner Rappa	Requests clarification as to why the recreation zoning is suggested on residential rural zoning.
Kami Griffin, staff	Clarifies designation of nearby Blacklake Development being under the recreational category and carrying it over to this proposed development.
Commissioner Gibson	Requests clarification of recreational land use category and the intent of this particular application.
Commissioner Rappa	Requests County Counsel comment on the Santa Maria water litigation lawsuit.
Tim McNulty, County Counsel	States the court's conclusion was that there was no particular sub basins and not in overdraft. County Counsel view is that the county is not bound by those determinations; the judgment does not bind us to the court's conclusions.
Motion	Thereafter, motion by Commissioner Mehlschau, seconded by Commissioner Gibson, to recommend to the Board of Supervisors that they deny the above referenced General Plan amendment, is discussed. Thereafter, motion maker and second do not amend their motion, and motion by Commissioner Mehlschau, seconded by Commissioner Gibson, and carried to deny the above referenced General Plan amendment, based on incompatibility with the Land Use Ordinance of the County, and in the absence of Commissioner Christie.
Commissioner Rappa	Expresses concerns that this proposed school site should not be zoned anything other than its current zoning designation.
STUDY SESSION	Study Session on consideration of possible letter to the Board of Supervisors on the Residential rural land use category designation on the North Nipomo Mesa area.
Warren Hoag, staff	Discusses letter prepared for the BOS regarding the Residential Rural land use category designation on the North Nipomo Mesa area. Provides direction to the PC regarding a letter to Board of Supervisors.
Chairman Roos	Discusses agricultural land designations on the mesa being different and is in support of doing nothing.
Commissioner Gibson	Discusses motivation, which brought this study session forward. Would like GIS to spot where active agricultural production is located on the mesa and communicate to the Board of Supervisors these findings.
Commissioner Rappa	Would like some sort of overlay of where active agricultural activities are happening. Cites her concerns for the allowable uses of agriculture.
Commissioner Mehlschau	Requests staff clarify the zoning of the greenhouses in the area of the map.

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Commissioners and staff	Discuss concerns for incompatible uses of agriculture and how to protect the uses on the mesa.
Warren Hoag, staff	Discusses techniques and the amount of time needed to investigate commissioners concerns regarding active agricultural activities. States staff will agendize a study session on the January 24, 2006 Planning Commission hearing for further discussion regarding the Residential Rural zoning on the North Nipomo Mesa area, with mapping showing location of the agriculture uses including crops, greenhouses and other agriculture processing uses.
Motion	Thereafter, on motion by Commissioner Rappa, seconded by Commissioner Gibson, and carried, with Commissioner Christie absent, the Commission receives documents for item e as amended and all documents presented today for the record.

There being no further business, the meeting is adjourned.

Respectfully submitted,

Ramona Hedges, Secretary Pro Tem
County Planning Commission

